

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

United States of America,

Criminal No. 14-cr-20469

Plaintiff,

Hon. Gerald E. Rosen

v.

Michael Hough,

Defendant.

**ORDER ON GOVERNMENT'S MOTION FOR A DOWNWARD
DEPARTURE UNDER SECTION 5K1.1 OF THE SENTENCING
GUIDELINES**

AND NOW, this 22nd day of October, 2015, upon consideration of the government's motion, pursuant to Section 5K1.1 of the Sentencing Guidelines, for a downward departure, the Court enters this Order.

The Court finds as follows:

1. Nature of assistance. Section 5K1.1 lists as a relevant factor the nature and extent of Defendant's assistance. In this case, Defendant agreed to cooperate and plead guilty to a criminal information during the Government's investigation of a conspiracy to commit theft of intellectual property from the UGSOA, Defendant's former employer. Defendant's cooperation, however, was immediate commencing at the time a search warrant was executed by the United States Department of Labor of Defendant's home. Defendant's cooperation resulted in the production of important

computerized evidence to law enforcement. Defendant also immediately offered to assist the Government to gather additional evidence, was interviewed several times by federal investigators, and testified extensively before the grand jury concerning the conspiracy to steal the UGSOA's membership list.

2. Significance of cooperation. Section 5K1.1 also lists as a relevant factor the Court's evaluation of the significance and usefulness of Defendant's assistance, taking into consideration the Government's evaluation of the assistance rendered. In this case, Defendant provided extensive information concerning the theft perpetrated by himself with others known to the Government, thus contributing to the strength of the Government's investigation. The information provided by Defendant assisting the Government's investigation could not be obtained from any other source.

3. Reliability of information. Section 5K1.1 lists as a relevant factor the truthfulness, completeness, and reliability of any information or testimony provided by Defendant. In this case, Defendant immediately expressed a willingness to provide accurate and truthful information regarding the scope of criminal activity that was being investigated at the time. His information proved to be reliable truthful and complete.

4. Timeliness. Section 5K1.1 lists as a relevant factor the timeliness of Defendant's assistance. In this case, Defendant agreed to cooperate with the Government when first approached by investigators, months before any criminal charges had been brought against him or any others in the conspiracy.

Upon considering and balancing all of these factors, the Court determines that Defendant provided important and timely information in a matter of public significance and accordingly is entitled to a significant downward departure in the applicable sentencing guideline.

Therefore, the Government's motion under Section 5K1.1 is hereby granted, based on Defendant's substantial assistance in the investigation of others, and Defendant's applicable sentencing guidelines range is reduced to 12 to 15 months imprisonment as requested in the Government's motion.

BY THE COURT:

s/Gerald E. Rosen
Honorable Gerald E. Rosen
United States District Judge

November 13, 2015